IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

Cont.Case(C).No.1530 of 2007(S)

ARISING FROM THE JUDGEMENT IN O.P.NO.30457 OF 2002 DATED 4.12.2002 READ WITH W.A.81 OF 2003 DATED 29/03/2007.

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PETITIONER: PETITIONER:-

V.P.AMMED,
S/O.ABDULLA,
AGED 45,
KOYILOTH MEETHAL HOUSE,
NADAKKUTHAZHA,
VADAKARA.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS: RESPONDENTS:-

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1. SRI.JAYATHILAK,
   FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER,
   DISTRICT COLLECTOR, KOZHIKODE/
   CHAIRMAN, REGIONAL TRANSPORT AUTHORITY,
   VATAKARA.

2. SRI.B.M.ABDUL KAREEM,
   FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER,
   THE SECRETARY,
   REGIONAL TRANSPORT AUTHORITY/
   REGIONAL TRANSPORT OFFICER,
   VATAKARA.

BY GOVERNMENT PLEADER SRI.M.P.SREEKRISHNAN.

THIS CONTEMPT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

H.L. DATTU, C.J. & K.T. SANKARAN, J.

Cont. Case (C) No. 1530 of 2007-S

Dated this, the 29th day of October, 2007.

JUDGMENT

H.L. DATTU, C.J.

Complainant before us was the petitioner in O.P.No.30457 of 2002 and the appellant in W.A. No.81 of 2003.

2. A learned Single Judge of this Court by his order dated 4.12.2002 has disposed of the Original Petition and in that had directed the first respondent therein, viz., the Regional Transport Authority, Vatakara, to consider the application filed by the petitioner for the grant of permit within a period of four weeks from the date of receipt of a copy of the judgment. For the reasons best known, the petitioner had filed a Writ Appeal before this Court in No.81 of 2003. A Division Bench of this Court by its order dated 29.03.2007 has disposed of the appeal and in that has observed as under:

> "Writ petition has been disposed of as early as on 4.12.2002 giving a direction to the first respondent to consider the application for the grant of permit to the petitioner in the opposite direction within a period of four weeks from the date of receipt of a copy of the judgment. The order might have been passed. At this distance of time, we find no reason to interfere with the judgment of the learned Single Judge. Hence the appeal lacks merit and the same is dismissed.".

3. After disposal of the Writ Appeal, the petitioner being of the opinion that the respondents in the contempt petition have not complied with the orders and directions issued by this Court in O.P. No.30457 of 2002 dated 4.12.2002 and W.A.

No.81 of 2003 dated 29.3.2007 is before us in this contempt petition.

4. In our view, the petition so filed by the complainant is beyond the time prescribed under Section 20 of the Contempt of Courts Act, 1971. The said provision is as under:

> "20. Limitation for actions for contempt:- No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed".

5. A reading of the aforesaid provision would clearly indicate that for filing of a contempt petition, a time limit is prescribed. The time limit is, within one year from the date on which the contempt is alleged to have been committed by the respondent.

6. In the instant case, this Court by order dated 4.12.2002 while disposing of O.P. No.30457 of 2002 had directed the 1st respondent in the writ petition to consider the application filed by the petitioner for grant of permit to the petitioner in the opposite direction within four weeks. The said period would expire on 4.1.2003. If for any reason the 1st respondent had not complied with the orders and directions issued by this Court, the petitioner ought to have filed a petition within one year as envisaged under Section 20 of the Contempt of Courts Act, 1971.

7. However, the learned counsel appearing for the petitioner/complainant would submit, that, the orders passed by the learned Single Judge has merged with the orders passed by the Division Bench of this Court in W.A.No.81 of 2003, and therefore, the contempt petition filed is within the time prescribed under the Act. The submission requires to be noticed and only to be rejected as the Bench of this Court has not passed any order except

rejecting the Writ Appeal filed by the petitioner.

8. In view of the above, the petition filed by the complainant cannot be entertained by us. Accordingly, the contempt petition requires to be rejected and it is rejected.

Ordered accordingly.

H.L.DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

DK.